

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, postal address and citizenship are as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original first and joint inventor (if multiple names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### METHOD AND APPARATUS FOR SUB-NETWORK DEVICES WITHOUT DIRECT LAYER-2 COMMUNICATION AND COUPLED TO A COMMON FORWARDING AGENT INTERFACE TO COMMUNICATE THROUGH LAYER-3

the specification of which is attached hereto unless the following information is indicated:

\_\_\_\_\_ was filed on \_\_\_\_\_;  
as United States Application Number or PCT International Application Number \_\_\_\_\_;  
and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendments referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified, as so indicated below, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)	Priority Claimed
_____	_____ Yes _____ No
(Application No.) (Country)	(Day/Month/Year Filed)

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

_____	_____
(Application No.)	(Day/Month/Year Filed)

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. 1.56 that became available between the filing date of the prior application and the national or PCT International filing date of this application.

_____	_____	_____
(Application No.)	(Day/Month/Year Filed)	(Status - patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith:

**DENNIS S. FERNANDEZ, REG. NO. 34,160**  
**IRENE H. FERNANDEZ, REG. NO. 34,625**

001150-01216500

**PETER C. SU, REG. NO. 43,939**

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**022877**

PATENT TRADEMARK OFFICE

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and beliefs are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor:

**RANDALL WAYNE FREI**

Inventor's signature

*Randy Frei*

Date

*5/31/00*

Residence:

**856 GALLATIN DRIVE, #1, SANTA CLARA, CA 95051**

Citizenship:

**UNITED STATES OF AMERICA**

Postal Address:

**SAME AS RESIDENCE**

OFFICE OF THE SECRETARY OF COMMERCE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :

Application No.: (Not yet assigned)

Group No.: (Not yet assigned)

Filed: 6/14/ 2000

Examiner: (Not yet assigned)

Title: **Method and Apparatus for Sub-Network Devices Without Direct Layer-2 Communication and Coupled to a Common Forwarding Agent Interface to Communicate Through Layer-3**

Inventor(s): **Frei, R.**

Assistant Commissioner for Patents  
Washington, D.C. 20231

**SUBMISSION OF VERIFIED STATEMENT  
TO ESTABLISH SMALL ENTITY STATUS**


The attached statement is being submitted to establish small entity status in this

☒ Application  
☐ Patent

by the

☐ Independent inventor(s) 37 CFR 1.9(c) and 1.27(b)  
☐ Non-inventor supporting claim by another 37 CFR 1.9(c) and 1.27(b)  
☒ Small Business Concern 37 CFR 1.9(d) and 1.27(c)  
☐ Nonprofit Organization 37 CFR 1.9(e) and 1.27(d)

Respectfully submitted,

  
DENNIS S. FERNANDEZ, ESQ.  
Reg. No. 34,160

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OFFICE OF THE ASSISTANT COMMISSIONER FOR PATENTS

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: (Not yet assigned)  
Filed on: 6/14/2000Patent No.: (Not yet assigned)  
Issued on: (Not yet assigned)Title: **METHOD AND APPARATUS FOR SUB-NETWORK DEVICES WITHOUT  
DIRECT LAYER-2 COMMUNICATION AND COUPLED TO A COMMON  
FORWARDING AGENT INTERFACE TO COMMUNICATE THROUGH  
LAYER-3**  
Inventor(s): **FREI****VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS**  
**(37 CFR 1.9(f) and 1.27(c) -- SMALL BUSINESS CONCERN)**

I hereby declare that I am

       the owner of the small business concern identified below:  X   an official of the small business concern empowered to act on behalf of the concern identified below:Name of Small Concern:  
**COM21, Inc.**Address of Small Concern:  
**750 Tasman Drive  
Milpitas, CA 95035**

I hereby declare that the above identified small business concern qualifies as a small business concern, as provided in 37 CFR 1.9(d), for purpose of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons.

I hereby declare that the rights under contract or law have been conveyed to, and remain with, the concern identified above with regard to the invention described in

  X   the specification filed herewith, with title and inventor(s) as listed above.  
       the application identified above.  
       the patent identified above.

If the rights held by the above identified concern are not exclusive, each individual, concern, or organization having rights in the invention is listed below and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c), it that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization having any rights in the invention in addition to the above identified concern is listed below:

Name \_\_\_\_\_Address \_\_\_\_\_       Individual   X   Small Business        Nonprofit Organization

0071250-97210500

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further, that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

**Randy Frei**

**Print Name of Person Signing**

**Chief Systems Architect, Com21, Inc.**

**Title of Person Signing**

**750 Tasman Drive, Milpitas, CA 95035**

**Address of Person Signing**

SIGNATURE Randy Frei Date 5/31/00

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